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PATENT
246472003920

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Helmut D. LINK et al.

Serial No.: 10/731,432

Filing Date: December 10, 2003

For: INSTRUMENT SET FOR FITTING AN
INTERVERTEBRAL JOINT
PROSTHESIS

Examiner: To Be Assigned

Group Art Unit: 3729

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

Two of the documents, namely, US 2002/026191 and WO 03/075774, listed on the attached Form PTO/SB/08a/b were cited in an International Search Report mailed on March 22, 2005, (copy attached) directed to a counterpart international application.

The German documents listed on the Form PTO/SB/08a/b were obtained through a private search and do not have US equivalents. A copy of that search report is also attached. Below is a concise Statement of Relevancy concerning the relevance of those references.



STATEMENT OF RELEVANCY

German Utility Model 9217816 concerns an aiming instrument for positioning of pedicle screws. It comprises a drill guide 6 and a fork 9 which is set around the pedicle.

DE 19836498 discloses a device for distracting two adjacent vertebrae. It has gripping heads 14, 15 which are moveable with respect to the arms of the device in order to be adaptable to the inclination of the vertebrae.

DE 10134505 and 20111479 concerns a distractor for vertebrae. It has fingers 10, 11 engaging the vertebrae. The fingers can have the form of sleeves which engage pins which had been driven into the vertebrae.

DE 202004014768 discloses a distractor for vertebrae. The instrument has sleeves 18, 34, 40 which engage pins which beforehand were fixed to the vertebrae.

This Supplemental Information Disclosure Statement is submitted before the mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

Application No. 10/731,432

PATENT
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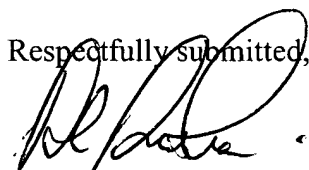
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 246472003920.

Date: May 9, 2005

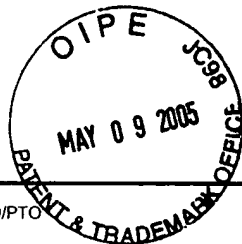
By:

Respectfully submitted,



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ALTERNATIVE TO PTO/SB/08a/b (06-03)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/731,432
				Filing Date	December 10, 2003
				First Named Inventor	Helmut D. Link
				Art Unit	3731
				Examiner Name	Not yet assigned
Sheet	1	of	2	Attorney Docket Number	246472003920

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	6,086,595	7-11-2000	Yonemura et al.	
	2.	6,156,040	12-5-2000	Yonemura et al.	
	3.	6,296,647-B1	10-2-2001	Robioneck et al.	
	4.	6,332,887-B1	12-25-2001	Knox	
	5.	2002/026191 - A1	2-28-2002	Dixon et al.	
	6.	2002/0068941	6-6-2002	Hanson et al.	
	7.	2003/0028197	2-6-2003	Hanson et al.	
	8.	6,540,735	4-1-2003	Ashby et al.	
	9.	6,562,041	5-13-2003	Yonemura et al.	
	10.	2003/0220689-A1	11-27-2003	Ritland et al.	
	11.	6,740,087-B2	5-25-2004	Knox	
	12.	2004/0156168	8-12-2004	LeVasseur et al.	
	13.	2004/0176772-A1	9-9-2004	Zubok et al.	
	14.	2004/0176843-A1	9-9-2004	Zubok et al.	
	15.	2004/186482-A1	9-23-2004	Kolb et al.	
	16.	2004/193272	9-30-2004	Zubok et al.	
	17.	2004/220590	11-4-2004	Zubok et al.	
	18.	2004/0236342	11-25-2004	Ferree et al.	
	19.	2005/0015092-A1	1-20-2005	Rathbun et al.	

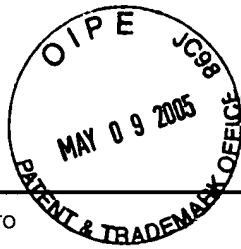
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	20.	DE-9217816-U1	6-16-1994		statement of relevancy	
	21.	DE-19836498-A1	2-17-2000		statement of relevancy	
	22.	WO-01/62166-A2	8-30-2001			✓
	23.	DE-20111479-U1	11-8-2001		statement of relevancy	
	24.	DE-10134505-A1	1-23-2003		statement of relevancy	
	25.	WO-03/075774-A	9-18-2003		abstract	
	26.	DE-202004014768-U1	12-23-2004		statement of relevancy	

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

Examiner Signature	Date Considered
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va-109269



ALTERNATIVE TO PTO/SB/08a/b (06-03)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/731,432
				Filing Date	December 10, 2003
				First Named Inventor	Helmut D. Link
				Art Unit	3731
				Examiner Name	Not yet assigned
Sheet	2	of	2	Attorney Docket Number	246472003920

	27.	Search protocol dated 3/30/2005 showing the family information of WO 2004080333	
	28.	Search Report dated 3/18/2005	
	29.	International Search Report dated 3/22/2005	

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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va- 109269